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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,096	12/29/2000	Thomas P. Chmara	57983.000033	3961

7590 06/27/2006
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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,096

Applicant(s)

CHMARA ET AL.

Examiner

Brian D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-4,7,9-12,15,17,18 and 21-27 is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 5,6,8,13,14,16,19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 14 and 17 are objected to because of the following informalities:

Claim 14, line 5, "said at least one checkpoint packets" seems to refer back to "at least one checkpoint message" in line 3 of claim 13. If this is true, it is suggested to change "said at least one checkpoint packets" to --said at least one checkpoint message--.

Claim 17, it is suggested to insert --the-- before "primary egress traffic" in line 19 and "backup egress traffic" in line 23.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 7, 9, 10, 12, 15, 17, 18, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baskey et al (6,148,410) in view of Takase et al (5,283,782).

Regarding claims 1, 9, 17, and 22-24, Baskey discloses an apparatus and a method for preventing information losses due to network node failure, the method comprising the steps operatively connecting at least one backup node (105) to a primary node (100) (see abstract and links 102-104 connect nodes 100 and 105 in figure 1); synchronizing the at least one backup node and the primary node (see col. 3, lines 33-38); receiving, from a first endpoint (110), ingress traffic in the primary node (see link 151); outputting, from the primary mode, primary

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egress traffic (see link 101); outputting, from the at least one backup node, backup egress traffic (see link 108); determining if the primary node has failed (see col. 2, lines 1-7); transmitting, to second endpoint (190), the primary egress traffic if it is determined that the primary node has not failed; and transmitting, to the second endpoint, the backup egress traffic from a selected one of the at least one backup nodes if it is determined that the primary node has failed, wherein the backup egress traffic from the selected one of the at least one backup nodes replaces the primary egress traffic to the second endpoint and the backup node becomes the primary node for subsequent traffic (see col. 3, lines 32-37). Although Baskey discloses, for example, in figure 1 that the backup node 105 is connected to client 110 through link 161 to receive ingress traffic from the client 110, Baskey does not explicitly show replicating the ingress traffic to the backup node. However, replicating the ingress traffic to a backup node is well known in the art. Takase discloses this feature (see, for example, col. 2, lines 10-12 and figure 13 where the ingress traffic (cells) are replicated to node 300b). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replicate the ingress traffic as taught by Takase in the system of Baskey in order to eliminate signal loss and reduce system recovery time.

Regarding claims 2 and 10, Baskey discloses the primary node and the backup node are network routers (see abstract).

Regarding claims 4, 12, and 18, Baskey discloses transmitting synchronization information from the primary node to the backup node (see col. 4, lines 54-57).

Regarding claims 7, 15, and 21, Baskey discloses periodically assessing synchronization maintenance between the primary and the backup nodes (see col. 4, lines 54-57).

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4. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baskey in view of Takase as applied to claims 1 and 9 above, and further in view of Adams et al (5,444,782).

Regarding claims 3 and 11, Baskey does not specifically disclose the primary and backup nodes are security engines for receiving encrypted ingress traffic and outputting decrypted egress traffic. However, Adams discloses encrypting and decrypting (see col. 3, lines 46-59). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to encrypt/decrypt traffic as taught by Adams in the system of Baskey in order to secure communication in the network.

5. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baskey in view of Takase as applied to claims 1, 9, and 17 above, and further in view of Koodli (6,608,841).

Regarding claims 25-27, Baskey does not specifically disclose the ingress and egress traffic comprise session context information. However, transmitting session context information in communication is well known in the art. Koodli discloses transporting the session context information (see col. 2, lines 27-31). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit the session context information as taught by Koodli in the system of Baskey in order to maintain synchronization and detect packet loss.

Allowable Subject Matter

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6. Claims 5-6, 8, 13-14, 16, 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-4, 7, 9-12, 15, 17-18, and 21-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

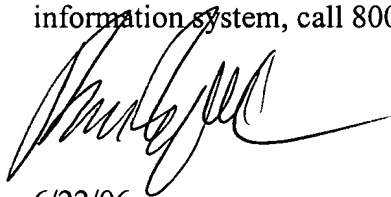
McLaughlin et al (6,415,418).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



6/22/06

BRIAN NGUYEN
PRIMARY EXAMINER